

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PREVEZON HOLDINGS LTD. *et al*,

Defendants.

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) Case No. 1:13-cv-06326 (TPG)
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) ECF CASE
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**BAKER BOTTS LLP'S MEMORANDUM IN SUPPORT OF ITS
CONSENT MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR
DEFENDANTS**

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Baker Botts, LLP (“Baker Botts”) respectfully submits this motion to withdraw as counsel of record for all Defendants,¹ and in support of that motion states:

This action was filed in September 2013. Dkt. No. 1. In the Complaint, the Government alleged that Defendants laundered a portion of the proceeds of a \$230 million fraud scheme in Russia. Along with the Complaint, the Government obtained a Protective Order, Dkt. No. 2, which froze any and all of the Defendants’ assets worldwide.

As a result of the Protective Order and this action, Defendants have been subjected to extraordinary financial hardship. In addition to the assets actually restrained by the Protective Order, which are substantial, the Government’s allegations have severely damaged Defendants’ business reputations and operations worldwide.

The Government’s allegations have also forced Defendants to retain U.S. counsel from two law firms, Baker Hostetler and Baker Botts, for more than two years, at great expense, commensurate with the severity of the Government’s allegations that they laundered proceeds from a \$230 million fraud. *See* Declaration of Seth T. Taube (“Taube Decl.”) ¶ 2.

After two years of hotly contested litigation, Defendants can no longer afford to retain counsel from two law firms through trial, which is scheduled to begin in January 2016. Defendants therefore consent to Baker Botts’ motion to withdraw as counsel of record. Taube Decl. ¶ 3.

Defendants will continue to be represented by attorneys from Baker Hostetler, a separate law firm. Baker Hostetler has functioned as lead counsel for all purposes for more than a year. For example, attorneys from Baker Hostetler have appeared in all of the hearings before the

¹ The *in personam* Defendants in this action are Prevezon Holdings, Ltd. Prevezon Alexander, LLC; Prevezon Soho USA, LLC; Prevezon Seven USA, LLC; Prevezon Pine USA, LLC; Prevezon 1711 USA, LLC; Prevezon 1810, LLC; Prevezon 2009 USA, LLC; Prevezon 2011 USA, LLC; Kolevins, Inc.; and Ferencoi Investments, Inc.

Court in this case, have taken or defended every deposition, and have filed almost all motion papers to date. Baker Hostetler consents to Baker Botts' motion to withdraw as counsel of record. Taube Decl. ¶ 4.

The Government has also indicated that it consents to Baker Botts' motion to withdraw as counsel of record. Taube Decl. ¶ 5.

Baker Botts' withdrawal will not affect the timing of the upcoming trial, scheduled to begin jury selection on January 6, as Baker Hostetler has been, and will continue to be, trial counsel for Defendants. Taube Decl. ¶ 6. Because Baker Botts' withdrawal will neither prejudice the litigants nor cause any delay, the Court should issue an order permitting them to withdraw from this case. *See Port Authority*, 2012 WL 4841849 at *1; *Freund v. Weinstein*, No. 08CV1469 FB/MDG, 2009 WL 750242, at *1 (E.D.N.Y. Mar. 19, 2009) (granting motion to withdraw where withdrawal would not "substantially disrupt" the litigation).

Although Baker Botts is still owed legal fees, it is not asserting a retaining or charging lien against Defendants in this action. Taube Decl. ¶ 7.

For the foregoing reasons, Baker Botts respectfully requests that the Court issue an order granting their motion to withdraw and instructing the Clerk of Court to remove the following attorneys from the docket: Seth T. Taube, Richard Benjamin Harper, and Vernon Anthony Andrew Cassin, III.

Dated: December 10, 2015

/s/ Seth T. Taube

Seth T. Taube

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